

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

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REC'D 12 AUG 2005

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/EP2004/012593

International filing date (day/month/year)
06.11.2004

Priority date (day/month/year)
08.01.2004

International Patent Classification (IPC) or both national classification and IPC
G11B7/135, G02B7/00

Applicant
THOMSON LICENSING S.A.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

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If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

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3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office - P.B. 5818 Patentlaan 2
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Authorized Officer

Skaropoulos, N

Telephone No. +31 70 340-9454



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/012593

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/012593

Box No. V Reasoned statement under Rule 43*b*/s.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-7
Inventive step (IS)	Yes: Claims	
	No: Claims	1-7
Industrial applicability (IA)	Yes: Claims	1-7
	No: Claims	

2. Citations and explanations

see separate sheet

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1 Reference is made to the following documents:

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- D5 : US 6 353 582 B1 (KIKUCHI IKUYA) 5 March 2002 (2002-03-05)
- D6 : US 2003/075669 A1 (TADAKI KYOKO) 24 April 2003 (2003-04-24)

2 INDEPENDENT CLAIMS

- 2.1 The subject-matter of claim 1 is not new in the sense of Article 33(2) PCT. Document D1 discloses (the references in parentheses applying to this document) a method for determining spherical aberration in a light beam (abstract), including the steps of: splitting the light beam into at least two partial light beams (figures 1, 12); focusing the partial light beams onto respective detectors, whereby at least one signal generated by the detectors depends on the positions of the respective partial light beam (paragraphs 131-133, figure 12); and determining the spherical aberration using the signals generated by the detectors (paragraphs 133-138) wherein a hologram is provided for splitting the light beam into the partial light beams (paragraphs 130-139).
- 2.2 For the sake of completeness, it is pointed out that the subject matter of independent claim 1 is also disclosed in documents D2 to D6. See documents D2 to D6, in particular, passages cited in the international search report.
- 2.3 Independent claim 4 specifies a device whose features correspond to those of the method of claim 1. The objections raised with respect to the latter, therefore, also apply, mutandis mutandis, to independent claim 4, which is, thus, not allowable for lack of novelty of its subject matter (Article 33(2) PCT).

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/EP2004/012593

3 DEPENDENT CLAIMS

- 3.1 Dependent claims 2, 3, 5, 6, and 7 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty (Article 33(2) PCT). See documents D1 to D6, in particular, passages cited in the international search report.

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Box No. V Reasoned statement under Rule 43b/s.1(a)(I) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-7
Inventive step (IS)	Yes: Claims	
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